

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 12th day of May 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:

Louise Durfee	Jay Edwards
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Joanne M. Arruda (Absent)
Hannibal F. Costa	

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz was also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read all the items as listed on the Consent Agenda for approval.

Councilor Edwards and Councilor Medeiros requested the removal of Item A –3-d.

A motion was made by Councilor Carroll seconded by Councilor Edwards to approve the remaining items of the Consent Agenda. The motion carried 6-0. Councilor Arruda was absent.

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings.

- a. Approval of Minutes Regular Town Council Meeting April 28, 2008
- b. Approval of Executive Session Minutes April 28, 2008

A-2-Receipt of Minutes from Various Board and Commissions:

Receipt of Minutes from the Following Boards, Commissions

- | | | |
|-----------------------------|-------------------------|--------------------------|
| a. Art Commission (3) | d. Prevention Coalition | g. Landfill Subcommittee |
| b. Harbor Commission | e. Planning Board (2) | |
| c. Recycling Commission (2) | f. Board of Canvassers | |

A-3-Correspondence –Receive and File

- a. Received From Town Clerk- Correspondence Distributed to Council May 2, 2008
 - Memorandum From Open Space Regarding Proposed Zoning Map Changes
 - Letter to Councilor Durfee From RIDOT Engineering Division (Bridge)
 - Letter to Town Administrator From RIDOT Engineering (Bridge)
 - Memo to Planning Board From Christopher Spencer
 - Resolution From City of Warwick Regarding School Bus Seat Belts
 - Copy of Letter From Planning Board to J Brodie of Borne Mill Project
 - Newspaper Article From Town Administrator
 - Letter to Town Administrator From State Dept. of Revenue
 - Minutes From Charter Review Commission (7)
- b-1. Received From Town of Charlestown Regarding Newly Adopted DEM Rules and Regulations and Request to RI General Assembly to Appoint DEM Water Resources Division Joint Oversight Committee
- b-2 Received From Councilwomen Allen and Waterman Objecting to the Resolution
- c. Received From Town of Westerly Regarding Resolutions in Support of H7108

- e. Collecting Bargaining and H7776 – Labor and Labor Relations - Health and Welfare Funds -Pension Plans Received From City of Providence Resolution Supporting Senate Bill 2706 and House Bill 7195 Relating to Motor and Other Vehicles Automated Traffic Violation Monitoring Systems
- f. Received From Ms. Poutray Regarding Mosquito Control

Received From Conservation Commission Regarding Need for Policy Concerning Siting and Operation of Large Collection Containers for Donations of Used Clothing, Shoes, etc.

Councilor Edwards removed this item from the Consent Agenda for discussion.. Councilor Medeiros also requested removal of this item, noted problems in the past with private property under current ordinance. President Durfee noted the letter from the Conservation Commission offered their assistance to draft a policy. Patricia Sullivan representing Conservation Committee stated would be happy to draft and present a policy to the Council. President Durfee accepted the offer from the Conservation Committee.

Councilor Costa, in reference to the acceptance of minutes from various board and commissions cited them for their hard work and dedication. Councilor Costa was impressed with their activities and suggested that the minutes should also be signed. Councilor Costa cited the example of a marina approval, prior to this Council, by a board without the Council aware of the action. Seems some of these actions should require Council approval and Council should be made aware of any future action. Councilor Durfee asked the Administrator to remind the Boards and Commissions that Council should at the very least be provided a copy of correspondence between them and State agencies for Council agenda.

Councilor Carroll and Councilor Arruda who was absent, asked to recognize the Tiverton High School Performing Arts Department. At this time a motion was made by Councilor Carroll seconded by Councilor Edwards to add to the consent agenda and adopt a Proclamation recognizing and congratulating the Tiverton High School Performing Arts Department Achievements as Participants in the All American Music Festival. Motion passed unanimously and Councilor Costa read the Proclamation as follows:

**TOWN OF TIVERTON, RHODE ISLAND
TOWN COUNCIL**

P R O C L A M A T I O N

WHEREAS: The Tiverton High School's Performing Arts Department participated in the All American Music Festival in Orlando, Florida on April 24th through April 27th, 2008, and

WHEREAS: Tiverton Jazz Ensemble, Mixed Chorus, Concert Band, Dance Squad and Marching Band performed to a very high level of talent;

WHEREAS: Tiverton Jazz Ensemble under the direction of Michael Alves won their respective Division with a rating of Superior; and

WHEREAS: Tiverton Mixed Chorus under the direction of Beth Bergeron won in their respective Division with a rating of Superior; and

WHEREAS: Tiverton Marching Band under the direction of Michael Alves won their respective Division with a rating of Superior and "Best in Class Award" for having the highest total points in their category; and

WHEREAS: Tiverton Dance Squad, under the direction of Pat Medeiros received Superior Rating and First Place Finish in their Division and a "Best in Class" for having the highest total points in their category; and

WHEREAS: Tiverton Concert Band under the direction of Michael Alves placed in a tie for First Place with Waupaca High School from Wisconsin and received a rating of Excellent.

THEREFORE BE IT RESOLVED: That the Tiverton Town Council supports and applauds the achievements and talents of the Tiverton High School Performing Arts Department; and

BE IT FURTHER RESOLVED: That the Tiverton Town Council Recognizes and Congratulates
"Tiverton High School Performing Arts Department
Achievements as Participates in the All American Music Festival"

and encourage all Tiverton residents to support the program and talents of the Tiverton High school Department of Performing Arts.
Louise Durfee, Council President

IN COUNCIL, READ AND PASSED, MAY 12, 2008

Councilor Bollin made a motion to pass the Proclamation seconded by Councilor Carroll. Motion passed unanimously. Councilor Carroll thanked the Council for the addition to the agenda.

PUBLIC HEARING – Continued From March 24, 2008

Public Hearing – Amendment – Zoning Map Amendments – Updating Open Space

1. Ordinance Amendment - Zoning Map Amendments – Updating Open Space
 - a. Memorandum From Open Space and Land Preservation Commission, Tiverton Land Trust and The Nature Conservancy, Rhode Island Regarding Proposed Open Space Amendments to Town Zoning Map (Distributed on May 2, 2008)

The Public Notice was duly advertised as an Insert in the Local Sakonnet Times newspaper on March 6, March 13 and March 20, 2008.

Councilor Durfee opened the public hearing for comment from the general public. Councilor Durfee noted the subsequent receipt of a letter from the Open Space Commission dated May 2, 2008 signed by the co-chairs of the Nature Conservancy and the Open Space Commission and accepted the letter as part of the record for the continued hearing. A letter received May 12, 2008 from the Stone Bridge Fire District was also accepted into the record with regards to the removal of Block 113, card 96.

Garry Plunkett from the Open Space Commission addressed the council about the letter from the Open Space Commission, Tiverton Land Trust and Nature Conservancy regarding the parcels in question and their joint recommendation. Mr. Plunkett requested the zoning be the same as it is now, R80. Said parcels are separate, individual parcels with access routes, no management plan and should not be rezoned at this time. The designation of Open Space does not mean they are readily accessible just because the Town owns them. The zoning map is to show use and the use is appropriate and shouldn't be rezoned at this time.

President Durfee asked for any more comments from the public, being none closed the public portion of the hearing.

Town Solicitor Andy Teitz made two points regarding the zoning map. First a lot of work was done with regards to the map and secondly the two lots, # 96, the Stone Bridge Water Authority parcels are not contiguous and concerned with the one on the west that's on Brayton Road. Since the Council is drawing the zoning map they could zone only eastern part of 96 as Open Space. If necessary an administrative subdivision could be done later even though the two pieces of the lot are labeled #96 that is just a Scribner error. Suggest change the easterly part of lot 96 would still be beneficial. Lots referred to, as coupon lots, Stafford Heights lots, do not have a land use management plan, there is no complete ownership, these were done as transfer to the Town Treasurer through legislation. Feels there is some danger of not going forward that these lots since still subject to redemption and possible future development, which is against the Comprehensive Plan. Would recommend go forward with changing those lots.

President Durfee asked for any more comments from Mr. Plunkett or Ms. Lacy. Ginger Lacy, Co-chair Open Space Commission not here in a position to speak directly for the Land Trust, however, requested those lots not be rezoned to Open Space.

Councilor Bollin motioned that block 124 card 13, block 121 card 36 and block 118 card 40 be rezoned to open space. Councilor Edwards seconded the motion based on the recommendations in the letter from the Open Space Commission and the Nature Conservancy. Costa moved to amend that motion to include Mr. Teitz recommendation of the Stafford Heights lots including the western part of lot 96, the coupon lots. Councilor Bollin suggested voting on the recommended lots first and then discussing the other lots. Councilor Costa withdraws amended motion. Original motion passed unanimously.

Bollin motioned not to change zoning on the 3 parcels, block 117, cards 15, 14a, 19c, 21, 24 and the Stafford Heights coupon lots. Councilor Edwards seconded that motion. Solicitor Teitz suggested it was not appropriate to take a motion not to amend. Appropriate to take action only when amending. Councilor Medeiros questioned whether it was possible to continue the hearing to get feedback from interested Boards and Commissions. If those Boards and Commissions are in agreement with Teitz, then the public hearing could be continued. President Durfee had previously closed public portion. Teitz said you can continue public hearing if there is a date certain.

Councilor Bollin stated the Council by letter had received recommendations from the Boards and Commissions involved with the ownership of the land with request not to rezone certain parcels. Bollin wants to honor the request not to rezone those selected parcels at this time. If those Board and Commissions decide to rezone at a later time, this issue could be revisited.

President Durfee suggested action on motion to approve Councilor Costa's amended motion. President Durfee called for a vote on Councilor Costa's amended motion. The vote was Councilors Costa and Carroll in favor, Councilors Durfee, Edwards, Medeiros and Bollin opposed. Costa's amended motion fails.

Councilor Costa motions to rezone the Stafford Heights, coupon lots, to change the R80 on these lots based on Solicitor Teitz recommendation. Councilor Carroll seconded. Garry Plunkett indicated the Land Trust's concern is that the lots through tax transfers jumbled mess having no real development concept. Mixed use for Town in terms of Open Space. No vision for these parcels other than not to have them developed. If you designate certain areas as Open Space you take away flexibility for possible future restricted use. Councilor Costa said there is a danger in that some of that land could be redeemed, would hate to see these developed. Trying to restrict any further buildup. Bollin pointed out the size of these lots do not present them as developable. Not in favor of making those lots Open Space at this time because of the Land Trust recommendation. President Durfee asked for a vote on Councilor Costa's motion. Motion failed 2-4. Councilors Durfee, Edwards, Bollin and Medeiros opposed.

Councilor Bollin motioned to place in Open Space, block 113,card 7a and block 113,card 67.Seconded by Councilor Edwards, motion passed on a vote of 5-0-1, Councilor Costa abstained.
The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

Roger N. Dupont, 28 Salisbury Street – Request Private Detective License – Subject to Meeting all Legal Requirements

A motion was made by Councilor Carroll to grant the renewal of a Private Detective License to Roger N. Dupont subject to meeting all legal requirements. Councilor Edwards seconded the motion and then passed unanimously.

Envy Gymnastics-935 Main Road-Request Holiday License-Subject to Meeting All Legal Requirements

Councilor Carroll made a motion, to grant a Holiday License to Envy Gymnastics, Inc, 935 Main Road. Subject to meeting all legal requirements. Councilor Edwards seconded the motion and then passed unanimously.

APPOINTMENTS & RESIGNATIONS

Conservation Commission – Resignation of Robert W. Stringer

A motion was made by Councilor Edwards to accept with regret the resignation of Robert W.Stringer from the Conservation Commission. Councilor Medeiros seconded the motion, which then passed unanimously.

UNFINISHED BUSINESS

Town Administrator – Request Council Adopt Resolution in Amount of \$200,000 to complete School Bond of 30.7Million

A motion was made by Councilor Medeiros upon a request from the Town Administrator to adopt a resolution in the amount of \$200,000.00 to complete the School Bond of \$30.7M enabling the Town Treasurer to obtain an \$8.7M Bond Anticipation Note to provide the remaining funds necessary to complete Ft. Barton and Pocasset Elementary Schools. Seconded by Councilor Edwards the motion passed unanimously.

RESOLUTION

TOWN OF TIVERTON, RHODE ISLAND

RESOLUTION OF THE TOWN OF TIVERTON APPROVING THE FINANCING OF THE CONSTRUCTION, RENOVATION, ALTERATION, REPAIR, IMPROVEMENT, EQUIPPING AND FURNISHING OF, AND/OR ADDITIONS TO, THREE PUBLIC ELEMENTARY SCHOOLS IN THE TOWN INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$200,000 BONDS AND/OR NOTES THEREFOR INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

RESOLVED, That:

SECTION 1. In accordance with the vote of the electors of the Town of Tiverton, Rhode Island (the "Town") at the election held on November 16, 2004 at which election the voters approved the issuance of not more than \$30,700,000 bonds and/or notes for the Project

(herein defined) including but not limited to, any bonds or notes issued pursuant to financing agreements with the Rhode Island Health and Educational Building Corporation ("RIHEBC") an amount not to exceed \$30,700,000 is hereby appropriated for the purpose of financing the construction, renovation, alteration, repair, improvement, equipping and furnishing of, and/or additions to, three public elementary schools in the town including, but not limited to, engineering and architectural costs (the "Project").

SECTION 2. Pursuant to Chapter 252/288 of the Public Laws of 2004, the Town Treasurer and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding Two Hundred Thousand Dollars (\$200,000) bonds or notes of the Town for portions of the Project, including but not limited to any bonds or notes issued pursuant to financing agreements with the Rhode Island Health and Educational Building Corporation one time, or from time to time in order to meet the foregoing appropriation. The Town Council has heretofore on May 23, 2005 adopted a Resolution pursuant to said Chapters 252/288 of the Public Laws of 2004 to authorize to issue on behalf of the Town an amount not exceeding \$12,000,000 of bonds and notes to finance the initial portions of the Project. The Town Council has also heretofore on May 14, 2007 adopted a Resolution pursuant to said Chapters 252/288 of the Public Laws of 2004 to authorize to issue on behalf of the Town an amount not exceeding \$18,500,000 of bonds and notes to finance an additional portion of the Project. The \$200,000 of bonds and notes authorized herein supplements the \$30,500,000 authorization of bonds and notes effected pursuant to said prior Resolutions.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$200,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes. The Town Treasurer and/or the President of the Town Council or his or her designee are hereby authorized to issue bonds or notes and deliver them to the purchasers thereof.

SECTION 5. The said officers from time to time may, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Town Treasurer, at the written direction of the Town Council, may expend funds from the general treasury of the Town or other monies on hand for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Town Treasurer and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, and, including, without limitation, financing or other agreements between the Town and RIHEBC or its appointed trustee in connection with the RIHEBC financing program described above, all in such form and with such provisions as such officer shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; and (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Town Treasurer and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate or similar certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Town Treasurer and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate or similar certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure of the Town to comply with the Continuing Disclosure Certificate or similar certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate or similar certificate.

SECTION 9. The Town Treasurer and the President of the Town Council are hereby authorized to take all lawful action necessary or desirable under the Internal Revenue Code of 1986, as amended (the "Code"), to insure that the interest on the bonds and notes will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds and notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Town Treasurer and the President of the Town Council are further

authorized to take all lawful action necessary or desirable, when appropriate, to designate the bonds and notes as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code.

SECTION 10. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the Town’s declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$30,700,000 and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 11. This resolution shall take effect upon its passage. ADOPTED: Town Council Meeting May 12, 2008

FINANCIAL BUSINESS:

Town Administrator – G. Holewiak, Tax Collector – Request Authorization to Abate 10 Year or Older Motor Vehicle and Personal Property Taxes

A motion was made by Councilor Bollin to abate 10 year or older motor vehicle and personal property taxes on the attached detailed list. The items were sent to Rossi Law for collection and are now beyond the statute of limitations and therefore considered uncollectible. The motion was seconded by Councilor Medeiros and then passed unanimously.

Town Administrator – Police Chief – Request Transfer of Funds

a. Account # 333- 101 (Police Salary \$38,000.00) to Account #333-102 (Police & CCO Overtime)

Police Department has been unable to fill a vacancy in the CCO position amounting in the use of overtime. Through 6/30/08 overtime is also anticipated for vacation days, personal days and any sick days taken by either civilians or sworn Personnel through the rest of the fiscal year.

A motion by Councilor Carroll to approve the transfer of \$38,000.00 from Account # 333-101 (Police Salary) to Account # 333-102 (Police & CCO Overtime) was seconded by Councilor Medeiros. The motion was approved by a 4-2 vote. Councilors Costa and Bollin were opposed.

b. Account #333-106 (Police Longevity) to Account #334-470 (Animal Shelter) for \$4,773.96

c. Account #333-669 (Medical) to Account #334-470 (Animal Shelter) for \$626.04

Chief Blakey requested the transfer of funds to cover budgeted underfunded Contract for Animal Shelter. The remaining balance for boarding services through the end of the fiscal year is \$5,400.00. Councilor Edwards questioned the Chief reflects increase for feral cats and if any success with the problem. The Chief responded that it was with minimal results; and he is working to reduce the number of cages that were renegotiated in last year’s contract.

A motion was made by Councilor Carroll seconded by Councilor Medeiros to authorize the transfers. The motion carried 5-1. Councilor Costa was opposed.

NEW BUSINESS:

Town Administrator – Chief Blakey – Request Approval to Purchase New Central Air Conditioning System From Drug Forfeiture Funds

A motion was made by Councilor Costa seconded by Councilor Carroll to approve the purchase of a New Central Air Conditioning System utilizing approximately \$30,000.00 from the drug forfeiture account. Councilor Carroll noted the savings to the taxpayers in using these monies. The motion passed unanimously.

Councilor Medeiros – Overall Update on Status of Sewer Issues – Referred to Town Administrator and WWM Management Commission

Councilor Medeiros requested an update regarding sewer construction, low interest loans, etc. Leroy Kendricks III, Chairman and Christopher Nearpass of the Wastewater Management Commission appeared before the Council. Mr. Kendricks outlined the standing agenda at WWM meetings. In accordance with the On Site Ordinance enacted by the Town Council in July 2006, the Town was required to give notice to Stafford Pond residents to have their systems inspected. The Commission has sent 230 letters and 145 have responded. Of these systems 45 cesspools are functional, 14 failed and 55 have properly functioning systems. Mr. Kendricks stated the Rhode Island Cesspool Act requires action for those systems 200 feet from the shoreline.

The Wastewater Superintendent deals with problems from the General Public. There are over 6000 on site systems and about half are cesspools. Mr. Kendrick discussed sewer construction now being done on Hilton and Canonicus Streets. Sewer pipes are being installed for 750 feet on Hilton St. near the Fire Station and on from Canonicus St. to Main Road for about 1170 feet. There is no other construction slated for this year.

The Bourne Mill Project is ongoing with a major pump station sized to tie in with other sewer connections on Mill and Canonicus Streets. Another pump station is planned for the Watuppa Plantations. The Mount Hope Bay Interceptor should resolve issues with Starwood. The Commission is in the process of trying to resolve problems with interceptor.

A facilities plan update is not needed at this time. There is little to no money for the Wastewater Management Commission and they must find ways to deal with on going projects. Are looking for additional funding. The Robert Gray Avenue area is a priority and in need of sewers, there is a lot of ledge and failing systems. The Mount Hope Bay interceptor might be helpful in this area by gravity lines.

The loan program is administered from Rhode Island Housing, Community System Septic Loan Program (CSSLP) open to anyone for repair of a septic system. Low interest loans with a max of \$25,000 have a 10-year buy back and 2% interest rate. Applications are available from Wastewater Management and are forwarded to Rhode Island Housing if the criteria are met. Town applies for in \$300,000 increments. First approval has been used, waiting for second request for additional \$300,000 approval from state.

The On Site Expenditure Report was handed out, indicating budget of \$15,985 represents 20% of the Superintendent's salary and benefits leaving \$1,000.00 for public outreach, supplies and mileage. The Superintendent spends 40% of his time dealing with on site issues. Reviewing accounts receivable and betterment fees to get more monies.

Public education looking toward the Nanaquaket area, letters will be sent in July, looking at stuffers for tax bills, free air time as there is a need to educate the public about water protection. Working on procedures for defining drainage districts and determining when properties are sold which need septic replacement done within one year. Councilor Medeiros noticed a line item of \$11,000 was zeroed out of the proposed budget and concerned, requesting Council to make effort to see the funding restored.

President Durfee noted when the budget was put forward there was money allocated. Public health issue, money should be restored at the Town Meeting.

BIDS & REQUESTS FOR PROPOSALS

DPW Director – Request approval to advertise for bidding of Guard Rail Installation

Councilor Bollin stated that there is state bid list, which should be used first before any other bidders. DPW Director Berlucchi was not sure but would look at the bid list. A motion was made by Councilor Edwards seconded by Councilor Bollin to approve advertising for bidding of Guard Rail Installation. The motion passed unanimously. Bid will be compared with State bid list.

Town Administrator – DPW Director – Request Permission to Award Contract to Low Bidder for Emergency Installation of Guard Rail on Hobson Street

DPW Director Berlucchi stated there is a safety issue caused by the construction of private retaining walls adjacent to the Hobson/Miles Ave. intersection.

A motion was made by Councilor Edwards seconded by Councilor Costa to grant permission to the DPW Director to award a contract to DeLucca Fence Co., Inc. for emergency installation of 100 feet of guardrail on Hobson/Miles Ave. after first checking the State bid list costs, if their quote of \$3,920.00 is low bidder. The motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. The request for a pre-agreement with CDBG program sign for the East Bay Community Action has been withdrawn.
2. There is an informational meeting for the New Sakonnet River Bridge Committee on Monday May 19, 2008 at the Town Hall at 7:00 p.m.
3. Delinquent tax notices have been mailed to 550 people. The response has been very good with the Town receiving \$1.2 million.

4. The Newport Chamber of Commerce is awarding two \$1,000.00 scholarships to the eligible son or daughter of any Town employee graduating from the High School. The applications are available from the Town Administrator.
5. The Tax Assessment Board of Review still has one vacancy. They meet 10 times per year.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. Councilor Durfee, in regards to the upcoming Town Meeting wants a request on the next Council agenda to discuss Council vote regarding exceeding of tax cap.
2. Councilor Durfee addressed a bill before the legislature allowing advertising to be done over the Internet and not just newspapers. Councilor Durfee requested as many people as possible contact our State Legislators to track this bill.
3. Councilor Medeiros asked the DPW Director how many collections are left for yard waste pick up. Berlucchi replied there are two more weeks left for yard waste collection.
4. Councilor Costa if there was a letter in regards to the Town exceeding the tax cap. Administrator Goncalo stated a copy of the letter was in the mid meeting packet.

CLOSED EXECUTIVE SESSION

Town Solicitor - Litigation – 42-46-5(a)(2)

Councilor Edwards made a motion to enter into Executive Session pursuant to 42-46-5(a)(2) – Litigation. The motion was seconded by Councilor Medeiros and passed unanimously.

The Council entered into Executive Session at approximately 8:40 p.m.

The Council returned to Open Session at approximately 9:45p.m.

OPEN SESSION:

In open session Council President announced action had been taken in Executive Session. Councilor Edwards motioned to seal the minutes of Executive Session, seconded by Councilor Costa. Passed unanimously.

ADJOURNMENT:

Councilor Bollin motioned to adjourn, seconded by Councilor Medeiros. Passed unanimously. Meeting adjourned at approximately 9:45p.m.

ATTEST: _____
Nancy L. Mello, Town Clerk

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Regular Town Council Meeting at the Town Hall on Thursday, the 30th day of June 2005 A.D. at 7:00 p.m.

ROLL CALL

Joanne M. Arruda	Cecil E. Leonard
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Arthur R. Wyman Jr.
Louise Durfee (Absent)	

Vice President, Donald Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Town Solicitor, Andrew M. Teitz was also present and Town Administrator was not in attendance.

Approval of Consent

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the Agenda.

Councilor Bollin read all the items listed as Consent Agenda.

Councilor Carroll requested those Items A-1 and A-3 is removed under Approval of Minutes as well as Item E-3 under New Business.

Councilor Leonard requested to have removed Items A-5 and A-6 under Approval of Minutes also requested the removal of Items D-4a under Financial Business, the removal of Item I-1 under Abatements and Items under Correspondence J-1 and J-2.

Councilor Arruda requested Item J-6 under Correspondence be removed from the Consent Agenda.

Mr. Carroll made a motion, seconded by Mrs. Arruda to approve the remaining items listed on the Consent Agenda. The motion made was unanimous.

The remaining items on the Consent Agenda were as follows:

Approval of Minutes Of Previous Meetings:

A-1--Special Town Council Meeting of May 16, 2005

A-4- Regular Town Council Meeting of June 13, 2005

A-7-Council Workshop Minutes of June 20, 2005

Financial Business:

D-1-Tax Collector-Request Approval of Inter-Departmental Transfers

\$450.00 from #215-535 (Telephone) to #215-623 (Supplies)

D-2-Chief Lloyd-TFD-Requests Approval of Inter-Departmental Transfer

\$300.00 from #331-640 (Station Maint.) to #331-740 (Apparatus Maint.)

D-3-Chief Blakey-Request Inter-Departmental Transfers

\$209.32 from #333-167 (Equipment) to #333-528 (Education)

\$509.32 from #333-168 (Uniform) to #333-528 (Education)

\$400.76 from #333-530 (Radio) to #333-528 (Education)

\$1,670.70 from #333-648 (Vehicle) to #333-528 (Education)

\$200.00 from #333-648 (Vehicle) to #333-640 (Building Maintenance)

Correspondence

Distributed Prior to Council Meeting

